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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,961	03/11/2004	Koji Hirota	250349US-3S CONT	4004

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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DEHGHAN, QUEENIE S

ART UNIT	PAPER NUMBER
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1731

NOTIFICATION DATE	DELIVERY MODE
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07/23/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/796,961	HIROTA ET AL.	
	Examiner	Art Unit	
	Queenie Dehghan	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 16, 2007 has been entered.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "19" has been used to designate both a burner and a cable, reference character "12" has been used to designate both a glass sheet and a gear, reference 14 has been used to designate a lap portion and a gear. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective

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action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1, 8, and 14 recite the limitation "having longitudinal side surfaces and a terminal end surface", which does not appear to have support in the written description. Claims 5, 11 and 15 recite the limitation that "only the end portions", which does not appear to have support in the written description.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 3, 8, 10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ando (English Translation of JP 2000-211630) in view of Kato et al. (English translation of JP Abstract 60-210550). Ando discloses a method for forming a glass frame or sidewall comprising heating the end portions, having longitudinal surfaces and a terminal end surface, of glass plates to soften them, overlapping the end portions, with longitudinal side surfaces abutting one another, and joining the glass plates at the end portions and forming lap portions to the thickness of one belt shaped glass sheet, while being held in a vertical plane, with the inside corner portions vertically upward ([0059], [0060], drawing 7). However, Ando does not mention pressing the ends portions together. Kato et al. teach joining glass sheets together, such that the ends are superposed on each other to form corner portions and pressing the lap portions together at least once towards the abutting longitudinal side surfaces (abstract, figure A). It would have been obvious to one of ordinary skill in the art at the time the

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invention was made to utilize the pressing step of Kato et al. in the method of Ando in order to secure the glass sheets together.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ando (English Translation of JP 2000-211630) in view of Kato et al. (English translation of JP Abstract 60-210550), as applied to claims 1 and 8, in view of Stroud (2,049,528). Ando and Kato et al. fail to disclosed glass sheets with end corners partially notched. Stroud teaches glass sheets that are superposed on each other with end corners of the belt sheets partially notched in figures 1-7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide for notches on the glass sheets of Ando, as demonstrated by Stroud, to secure the sheets together.

5. Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ando (English Translation of JP 2000-211630) in view of Kato et al. (English translation of JP Abstract 60-210550), as applied to claims 1 and 8, in view of Cypher et al. (3,223,504). Kato et al fail to disclose the length of time the glass sheets are clamped. Cypher et al. teach clamping glass sheets for 2 seconds before retracting the clamps. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the clamping time of Cypher et al. since 2 seconds is a sufficient amount of time for impressing the desired shape into the softened glass, as taught by Cypher et al.

6. Claims 5-6, 11-12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ando (English Translation of JP 2000-211630) in view of Kato et al. (English translation of JP Abstract 60-210550). Ando discloses a method for forming a

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glass frame or sidewall comprising heating the end portions of glass plates with burners, overlapping only the end portions and joining the glass plates at the end portions and forming lap portions to the thickness of one belt shaped glass sheet ([0059], [0060], drawing 7). Although Ando does not specifically describe an apparatus for holding the glass sheets, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a holding portion to hold the glass sheets together so that the end portions can meet up and fuse together. Ando also does not mention pressing the ends portions together. Kato et al. teach joining glass sheets together, such that the ends are superposed on each other to form corner portions and pressing the lap portions together via pressure dies (abstract, figure A). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the pressing dies of Kato et al. in the method of Ando in order to secure the glass sheets together. Also, it would have be obvious to one of ordinary skill in the art at the time the invention was made to expect that pressure dies of Kato be movable via a drive, since it would allow for the opening and closing of the dies.

7. Claims 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ando (English Translation of JP 2000-211630) in view of Kato et al. (English translation of JP Abstract 60-210550), as applied to claims 6 and 11 above, in view of Cathers (4,228,993) and Andrewlavage, Jr. (6,616,025). Ando and Kato fail to disclose a base supporting a rack and sliding mechanism for handling the glass sheets. Cathers teaches of a base (32) that is rockable around a substantially horizontal axis of rotation, supporting a rack (30) that capable of orienting the glass sheets in any desired direction

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(i.e. vertical) (fig. 1). Andrewlavage, Jr. also teaches a base (29), which supports the rack (17) so that glass sheets are within a vertical plane and are rockable around a substantially horizontal axis of rotation (figure 12). Furthermore, Andrewlavage, Jr. teaches of a sliding mechanism (37a, 37b), which supports the rack for movement in the longitudinal direction of the glass sheet with respect to the base (fig. 12, col. 5 lines 18-26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the base, rack, and sliding mechanisms of Cathers and Andrewlavage, Jr. in the apparatus of Ando and Kato for efficient and automatic handling of the glass sheets

### ***Double Patenting***

8. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).



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9. Claims 1, 8 and 15 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 11/553,010. Although the conflicting claims are not identical, they are not patentably distinct from each other because both recite similar methods comprising overlapping end portions of glass plates, heating and pressing the end portions together. Similarly, claims 5, 11 and 15 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 2 of copending Application No. 11/553,010. Although the conflicting claims are not identical, they are not patentably distinct from each other because both recite similar apparatus comprising a device for holding glass plate together, heating the end portions of the plates and pressing the end portions.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Response to Arguments***

10. Applicant's arguments, filed April 17, 2007, with respect to Hirotsu et al., in light of the new amended claims 5, 11 and 15, have been fully considered and are persuasive. The rejection of claims 5, 11, and 15 have been withdrawn. However, a new rejection has been presented.

11. Applicant's arguments filed April 17, 2007, with respect to Ando and Kato have been fully considered but they are not persuasive. Both Ando and Kato disclose glass sheets with longitudinal surfaces and a terminal end. Also, both Ando and Kato

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discloses arranging the glass sheets such that longitudinal surface of one end portion abuts another longitudinal end portion. That is, the longitudinal surface of one end portion touches or meets the longitudinal side of another end portion. Furthermore, from drawing 3, it is clear that Kato does press the portion together from both sides towards the abutting side surfaces.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Queenie Dehghan whose telephone number is (571)272-8209. The examiner can normally be reached on Monday through Friday 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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